

IC 20-28-5

Chapter 5. Licenses

IC 20-28-5-1

Responsibility for licensing teachers

Sec. 1. The department is responsible for the licensing of teachers.
As added by P.L.1-2005, SEC.12. Amended by P.L.246-2005, SEC.155.

IC 20-28-5-2

Rules; substitute teachers

Sec. 2. The advisory board may adopt rules for:

- (1) the issuance of a substitute teacher's license; and
- (2) the employment of substitute teacher licensees.

An individual may not serve as a substitute teacher without a license issued by the department.

As added by P.L.1-2005, SEC.12. Amended by P.L.246-2005, SEC.156.

IC 20-28-5-3

Designation of standards for licensing

Sec. 3. (a) The department shall designate:

- (1) the grade point average required for each type of license; and
- (2) the types of licenses to which the teachers' minimum salary laws apply, including nonrenewable one (1) year limited licenses.

(b) The department shall determine details of licensing not provided in this chapter, including requirements regarding the following:

- (1) The conversion of one (1) type of license into another.
- (2) The accreditation of teacher education schools and departments.
- (3) The exchange and renewal of licenses.
- (4) The endorsement of another state's license.
- (5) The acceptance of credentials from teacher education institutions of another state.
- (6) The academic and professional preparation for each type of license.
- (7) The granting of permission to teach a high school subject area related to the subject area for which the teacher holds a license.
- (8) The issuance of licenses on credentials.
- (9) The type of license required for each school position.
- (10) The size requirements for an elementary school requiring a licensed principal.
- (11) Any other related matters.

The department shall establish at least one (1) system for renewing a teaching license that does not require a graduate degree.

(c) The department shall periodically publish bulletins regarding:

- (1) the details described in subsection (b);
- (2) information on the types of licenses issued;
- (3) the rules governing the issuance of each type of license; and
- (4) other similar matters.

As added by P.L.1-2005, SEC.12. Amended by P.L.246-2005, SEC.157.

IC 20-28-5-4

Application for license; oath or affirmation

Sec. 4. (a) An individual who applies for a license or a license renewal to teach in a public school shall subscribe to the following oath or affirmation, which may be administered by the governing body:

"I solemnly swear (or affirm) that I will support the Constitution of the United States of America and the Constitution of the State of Indiana."

(b) Two (2) copies of the oath or affirmation shall be executed as follows:

(1) One (1) copy shall be filed with the state superintendent when the license application is made.

(2) The individual who subscribes to the oath or affirmation shall retain the other copy.

(c) The oath or affirmation must be filed with the state superintendent before a license may be issued.

As added by P.L.1-2005, SEC.12.

IC 20-28-5-5

Out-of-state graduate applicant

Sec. 5. If a teacher who is a graduate of an accredited institution outside Indiana does not meet certain technical requirements for a license, the teacher may be granted a particular type of license and a reasonable amount of time to fulfill the requirements of the license granted.

As added by P.L.1-2005, SEC.12.

IC 20-28-5-6 Repealed

(Repealed by P.L.246-2005, SEC.228.)

IC 20-28-5-7

License revocation and suspension

Sec. 7. On the written recommendation of the state superintendent, the department may suspend or revoke a license for:

- (1) immorality;
- (2) misconduct in office;
- (3) incompetency; or
- (4) willful neglect of duty.

For each suspension or revocation, the department shall comply with IC 4-21.5-3.

As added by P.L.1-2005, SEC.12. Amended by P.L.246-2005, SEC.158.

IC 20-28-5-8

Conviction of felony by licensed employee; notice; hearing on revocation; revocation of license

Sec. 8. (a) This section applies when a prosecuting attorney knows that a licensed employee of a public school or a nonpublic school has been convicted of an offense listed in subsection (c). The prosecuting attorney shall immediately give written notice of the conviction to the following:

- (1) The state superintendent.
- (2) Except as provided in subdivision (3), the superintendent of the school corporation that employs the licensed employee or the equivalent authority if a nonpublic school employs the licensed employee.
- (3) The presiding officer of the governing body of the school corporation that employs the licensed employee, if the convicted licensed employee is the superintendent of the school corporation.

(b) The superintendent of a school corporation, presiding officer of the governing body, or equivalent authority for a nonpublic school shall immediately notify the state superintendent when the individual knows that a current or former licensed employee of the public school or nonpublic school has been convicted of an offense listed in subsection (c).

(c) The department, after holding a hearing on the matter, shall permanently revoke the license of a person who is known by the department to have been convicted of any of the following felonies:

- (1) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen (18) years of age.
- (2) Criminal confinement (IC 35-42-3-3), if the victim is less than eighteen (18) years of age.
- (3) Rape (IC 35-42-4-1), if the victim is less than eighteen (18) years of age.
- (4) Criminal deviate conduct (IC 35-42-4-2), if the victim is less than eighteen (18) years of age.
- (5) Child molesting (IC 35-42-4-3).
- (6) Child exploitation (IC 35-42-4-4(b)).
- (7) Vicarious sexual gratification (IC 35-42-4-5).
- (8) Child solicitation (IC 35-42-4-6).
- (9) Child seduction (IC 35-42-4-7).
- (10) Sexual misconduct with a minor (IC 35-42-4-9).
- (11) Incest (IC 35-46-1-3), if the victim is less than eighteen (18) years of age.
- (12) Dealing in or manufacturing cocaine, a narcotic drug, or methamphetamine (IC 35-48-4-1).
- (13) Dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2).
- (14) Dealing in a schedule IV controlled substance (IC 35-48-4-3).
- (15) Dealing in a schedule V controlled substance (IC 35-48-4-4).

(16) Dealing in a counterfeit substance (IC 35-48-4-5).

(17) Dealing in marijuana, hash oil, or hashish (IC 35-48-4-10(b)).

(d) A license may be suspended by the state superintendent as specified in IC 20-28-7-7.

As added by P.L.1-2005, SEC.12. Amended by P.L.246-2005, SEC.159.

IC 20-28-5-9

Requirements of applicant; denial of license or certificate; costs

Sec. 9. (a) An applicant must do the following:

(1) Submit a request to the Indiana central repository for limited criminal history information under IC 10-13-3.

(2) Obtain a copy of the limited criminal history for the applicant from the repository's records.

(3) Submit to the department the limited criminal history for the applicant.

(4) Submit to the department a document verifying a disposition that does not appear on the limited criminal history for the applicant.

(b) The department may deny the issuance of a license or certificate to an applicant who is convicted of an offense for which the individual's license may be revoked or suspended under this chapter.

(c) The department must use the information obtained under this section in accordance with IC 10-13-3-29.

(d) An applicant is responsible for all costs associated with meeting the requirements of this section.

As added by P.L.1-2005, SEC.12. Amended by P.L.246-2005, SEC.160.

IC 20-28-5-10

Records

Sec. 10. (a) The department shall keep a record of:

(1) all licenses issued;

(2) all licenses in force; and

(3) the academic preparation, professional preparation, and teaching experience of each applicant for a license or a license renewal.

(b) A superintendent of a school corporation shall register and keep a record of the following for each licensed teacher employed by the school corporation:

(1) The type of license held by the teacher.

(2) The teacher's date of first employment.

(3) The teacher's annual or monthly salary.

As added by P.L.1-2005, SEC.12. Amended by P.L.246-2005, SEC.161.

IC 20-28-5-11

Renewal; additional semester hours requirement

Sec. 11. (a) This section does not apply to an individual who, on September 1, 1985, has earned more than the equivalent of twelve (12) semester hours of graduate credit.

(b) The department may not renew the junior high/middle school or secondary education license of a teacher on the basis of the teacher obtaining a graduate degree unless the teacher completes at least the equivalent of eighteen (18) semester hours beyond the teacher's undergraduate degree in any combination of courses in the teacher's major, minor, primary, supporting, or endorsement areas. The semester hours may include graduate hours or undergraduate hours, or both, as determined by the department.

(c) The advisory board may:

- (1) adopt rules under IC 4-22-2 to create exceptions to the requirements under subsection (b); and
- (2) waive the requirements under subsection (b) on an individual basis.

As added by P.L.1-2005, SEC.12. Amended by P.L.246-2005, SEC.162.

IC 20-28-5-12

Initial standard license; requirements; rules

Sec. 12. (a) Subsection (b) does not apply to an individual who held an Indiana limited, reciprocal, or standard teaching license on June 30, 1985.

(b) The department may not grant an initial standard license to an individual unless the individual has demonstrated proficiency in the following areas on a written examination or through other procedures prescribed by the department:

- (1) Basic reading, writing, and mathematics.
- (2) Pedagogy.
- (3) Knowledge of the areas in which the individual is required to have a license to teach.
- (4) If the individual is seeking to be licensed as an elementary school teacher, comprehensive reading instruction skills, including:
 - (A) phonemic awareness; and
 - (B) phonics instruction.

(c) An individual's license examination score may not be disclosed by the department without the individual's consent unless specifically required by state or federal statute or court order.

(d) The advisory board shall adopt rules under IC 4-22-2 to do the following:

- (1) Adopt, validate, and implement the examination or other procedures required by subsection (b).
- (2) Establish examination scores indicating proficiency.
- (3) Otherwise carry out the purposes of this section.

(e) The board shall adopt rules under IC 4-22-2 establishing the conditions under which the requirements of this section may be waived for an individual holding a valid teacher's license issued by another state.

As added by P.L.1-2005, SEC.12. Amended by P.L.246-2005, SEC.163.

IC 20-28-5-13

Examination for teacher licensure; furnishing test scores

Sec. 13. (a) This section applies to an examination required for teacher licensure under this chapter.

(b) If an individual does not demonstrate the level of proficiency required to receive a license on all or a part of an examination, the examination's scorer must provide the individual with the individual's test scores, including subscores for each area tested.

As added by P.L.1-2005, SEC.12.

IC 20-28-5-14

Initial standard license applicant; delinquent tax liability

Sec. 14. If the department is notified by the department of state revenue that an individual is on the most recent tax warrant list, the department may not grant an initial standard license to the individual until:

- (1) the individual provides the department with a statement from the department of state revenue indicating that the individual's delinquent tax liability has been satisfied; or
- (2) the department receives a notice from the commissioner of the department of state revenue under IC 6-8.1-8-2(k).

As added by P.L.1-2005, SEC.12. Amended by P.L.246-2005, SEC.164.